

MEMO ENDORSED



THE CITY OF NEW YORK
LAW DEPARTMENT
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November 28, 2023

VIA ECF

Honorable Jessica G. L. Clarke
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Arthur Lamar Brown v. New York City, et al.,
23 Civ. 5924 (JGLC)

Your Honor:

I am a Senior Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendant City of New York in the above referenced matter.¹ I respectfully write today to describe this Office's efforts to identify Jane Doe #3 and request the Court order Plaintiff to clarify who he means to sue under the complaint.

By way of background, Plaintiff brings suit here alleging, *inter alia*, on or around January 5, 2021, an unidentified adjudication captain refused to allow plaintiff to enter statements or evidence, removed plaintiff from a hearing and tried plaintiff in his absence. (See ECF No. 1 at 47). Plaintiff further alleges the adjudication captain Jane Doe imposed a 30 day stay in "solitary confinement" and \$25.00 surcharge. (Id. at 48). Thereafter Plaintiff filed suit on in the Southern District of New York. Id. On August 17, 2023, the Court ordered this Office to waive service and directed this Office to identify the unnamed defendants and provide their identities to the Court and Plaintiff no later than October 16, 2023. (See ECF No. 9). The defendant asked for an extension of this deadline to November 30, 2023 which the Court granted. (See ECF No. 18).

¹ This case has been assigned to Assistant Corporation Counsel Seamus O'Connor, who is presently awaiting his results from the July 2023 New York State Bar Exam and is handling this matter under my supervision. Mr. O'Connor may be reached directly at (212) 356-2354 or by email at seoconno@law.nyc.gov.

This Office has obtained the records from Department of Corrections (DOC) regarding Plaintiff's disciplinary history. The closest date in plaintiff's infraction history that matches Plaintiff's description in the complaint is the hearing date of January 7, 2021. (See ECF No. 1 at 48). The hearing notice and report of that date notes the officers involved in the hearing: Adjudication Captain Vasquez Shield No. 404 and a Correction Officer Maldonado Shield No. 3538. However Captain Vasquez is already a named defendant in this case for an entirely separate incident with a different disposition. (See *id.* at 39-41). Furthermore, this Office has verified with DOC that both Captain Vasquez and C. O. Maldonado are male, while the Adjudication Captain Jane Doe described in the complaint is female. (*Id.* at 48). There are no other adjudication dates for Plaintiff during January 2021, nor the previous or subsequent month. At this juncture it is unclear whether Plaintiff means to sue Captain Vasquez for both incidents, C.O. Maldonado for January 7, 2021 incident, or if he is referring to an entirely different date and defendant.

Accordingly, the City respectfully requests the Court order Plaintiff to clarify his position on who he intends to sue over the allegations during this date in his complaint.

Thank you for your consideration herein.

Respectfully submitted,

*Joseph Zangrilli /s/*_____

Joseph Zangrilli
Senior Counsel
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Cc: **VIA FIRST CLASS MAIL**
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Plaintiff shall file a letter with the Court, no later than **December 20, 2023**, clarifying, per counsel's November 28, 2023 letter, whether he intends to sue Captain Vasquez for both incidents, C.O. Maldonado for January 7, 2021 incident, or if he is referring to an entirely different date and defendant.

Based on Plaintiff's letter, the Law Department shall provide an updated response to the Court's *Valentin* order no later than **January 22, 2024**. Plaintiff shall file an amended complaint naming the Jane Doe defendant no later than **February 22, 2024**.

Dated: November 29, 2023
New York, New York

SO ORDERED.

Jessica Clarke

JESSICA G. L. CLARKE
United States District Judge